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IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 18313 of 1994

Between:

1 P.Abraham, S/o. P.Peter.
R/o. 2-1-98, Gandhinagar, Tenali, Guntur.
2 V.Venkata Tulasi Devi, W/o. K.Umamaheshwara Rao.
C/o. Hanumantha Rao, 10-7-6, Chenchupet,
Tenali-522 202, Guntur.
3 S.Hoor Banu, 9/597-2K, Kadiri-515591, Ananthapur.

..... PETITIONERS

AND

1 Govt. of A.P., Rep. Secretary.
Panchayat Raj Dept., Secretariat, Hyderabad.
2 District Development Officer, Zilla Parishad, Guntur.
3 District Collector, Guntur.
4 The District Development Officer, Ananthapur.
5 The District Collector, Ananthapur.
6 Govt. of A.P., Rep. Secretary, Education Dept., Secretariat,
Hyderabad.
7 Union of India, Rep. Secretary of Law, New Delhi.

(The case against R-1, R-3 to R-5 and R-7 is dismissed for default

vide court order dated 12-12-1999).

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass an appropriate writ, order or direction, in the nature of Mandamus, declaring the G.O.Ms.No.221 Education Dept., dated 16/07/1994 as unconstitutional and illegal and further direct the respondents to appoint the Petitioners as Teachers before any appointments are made as Teachers in the existing vacancies in A.P.State Controlled Bodies after appointing the persons earlier covered by the order of this Hon'ble Court by Sri Justice S.R.Nayak in WPMP.No.17958/94 etc., in WP.No.7104/1994 etc., batch dated 08/09/1994 after declaring that Art.323, Clause 2(d) of the Constitution and Section 28 of A.P.Administrative Tribunal Act, 1985 as unconstitutional for violating the basic structure.

Counsel for the Petitioner: MR.A.PRABHAKAR RAO

Counsel for the Respondents 2 to 6: GP FOR PANCHAYAT RAJ & RURAL DEVELOPMENT

The Court made the following :

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O R D E R :-

It is represented by the learned counsel for the petitioners as well as the learned Government Pleader for Panchayat Raj that this Writ Petition is not maintainable, in view of the Judgment of the Supreme Court in ***L.CHANDRAKUMAR Vs. UNION OF INDIA*** and the remedy of the petitioners is to approach the Andhra Pradesh Administrative Tribunal.

In the circumstances, this Writ Petition is dismissed, giving liberty to the petitioners to approach the Andhra Pradesh Administrative Tribunal and seek redress of their grievance, if the petitioners are so advised and so chosen. No costs.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTIOIN OFFICER.

To

1 The Secretary, Govt. of A.P.,
Panchayat Raj Dept., Secretariat, Hyderabad.
2 The District Development Officer, Zilla Parishad, Guntur.
3 The District Collector, Guntur.
4 The District Development Officer, Ananthapur.
5 The District Collector, Ananthapur.
6 The Secretary, Govt. of A.P., Education Dept., Secretariat,
Hyderabad.
7 The Secretary of Law, Union of India, New Delhi.

8 2 CCs to G.P. for Panchayat Raj and Rural Development, High Court

of A.P. Hyderabad (OUT).

9 2CD copies